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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			CHOI, PETER H	
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			3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/045,819	<b>Applicant(s)</b> KATZ, BARRY	
	<b>Examiner</b> Peter Choi	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. The following is a first office action upon examination of application number 10/045819. Claims 1-20 are pending in the application and have been examined on the merits discussed below.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is unclear if the Internet is being used to communicate with the central dispatching system, or if the Internet is used by the central dispatching system to receive telephone messages. If the latter case is the intention of the claimed invention,

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one of ordinary skill in the art would not be enabled to practice the claimed invention without substantial guesswork, as the Applicant has not established a structure capable of receiving telephone messages via the Internet. For the purposes of examination, the Examiner has assumed that the central dispatching system receives telephone messages, and the Internet is used to communicate with said dispatching system.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 19, it is unclear if the Internet is being used to communicate with the central dispatching system, or if the Internet is used by the central dispatching system to receive telephone messages. For the purposes of examination, the Examiner has assumed that the central dispatching system receives telephone messages, and the Internet is used to communicate with said dispatching system. Clarification is required.

In claim 20, it is unclear what is being used to advertise to the customer. Are the advertisements being displayed in the vehicles transporting the user/customers? Are the advertisements presented over the telephone while scheduling pickup? In light of the specification, for purposes of examination, the Examiner has interpreted this

limitation to be performed by the dispatched vehicles (hence, the dispatched vehicles would play advertisements to the customer during transport). Clarification is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4-5, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Culbertson (U.S Patent #5,799,263).

As per claim 1, Culbertson teaches a method for dispatching vehicles for pickup and delivery, using a computerized and at least partially automated system, the method comprising the steps of:

(a) receiving telephone messages comprising electronic indicia in a calling signal of the location of pickup sites (**transit request is preferably made by telephone, with the user initiating a call from their location to a dispatching computer system**) [Column 3, lines 40-42];

(b) receiving destination information **(in each transit request, the user inputs at least a destination identifier, preferably a telephone number and perhaps a request telephone number or other location identifier)** [Column 3, lines 45-48];

(c) contacting and identifying vehicles available for effecting pickups at various ones of the pickup sites **(each transit cell includes a dispatching system for dispatching intracell vehicles within the associated transit cell to service transit requests made from the cell; local dispatching system dispatches an intracell vehicle to pick up the passenger or user)** [Column 6, lines 5-8, 23-25]; and

(d) issuing instructions to vehicles to proceed to the pickup sites **(local dispatching system at the destination terminal automatically dispatches a local intracell vehicle to pick up the passenger at the terminal and travel to the desired destination location)** [Column 6, lines 31-34].

As per claim 2, Culbertson teaches the dispatching system of claim 1, wherein the vehicles being dispatched are selected from a group consisting of taxis, limousines, ambulances, school buses, and trucks **(the intracell vehicles may be large buses or rail vehicles)** [Column 3, lines 35-36].

As per claim 4, Culbertson teaches the method of claim 1, including enabling customers to communicate with a central dispatching system **(passenger or user makes a transit request, preferably from home using their own home telephone)**

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which handles calls to dispatched vehicles dispersed (**each intracell vehicle has mounted therein a dispatch signal display device or means for receiving dispatch signals for the particular intracell vehicle and for displaying vehicle operator information**) over many different cities and comprising many different operators of vehicle fleets [Column 4, lines 13-16, Column 6, lines 21-22].

The teachings of Culbertson are applied to a plurality of transit cells, each cell covering a geographic area. A small town may include a single cell, whereas larger towns and cities may have many different transit cells. Culbertson is not limited by the number of transit cells that may be included in the system [Column 3, lines 7-17]. Each transit cell has a plurality of intracell vehicles, each vehicle being operated by different operators.

Furthermore, the limitation of the central dispatching system handling calls to vehicles dispatched over many cities does not merit patentable weight since it does not affect the structure or functionality of the claimed invention.

As per claim 5, Culbertson teaches the method of claim 1, further including providing from the vehicles that are being dispatched, global positioning information and tracking the location of vehicles both prior to and en route to pickups (**each transit cell vehicle includes a transmitter and receiver for receiving dispatch signals from the dispatching system and for transmitting vehicle status signals to the dispatching**

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**system; the vehicle may further include a vehicle location sensor such as GPS device or other suitable device which may be used to produce the vehicle location component of vehicle status signals)** [Column 6, lines 60-64, Column 7, lines 13-16].

As per claim 10, Culbertson teaches the method of claim 1, further including using ANI and/or DNIS for determining customer locations **(when telephone numbers are used to identify locations, transit request communications device preferably includes a caller ID apparatus for automatically capturing the telephone number of the incoming transit request)** [Column 7, line 65 – Column 8, line 2].

As per claim 11, Culbertson teaches the method of claim 1, further comprising a lookup table for customers that is indexed based on customer's telephone numbers **(mass storage stores a phone number/location database which is searched to obtain location information for the particular request including a request location and destination; using telephone numbers to identify physical locations of a request and destination makes maximum use of existing infrastructure and makes the system easy to use, because a user may simply use their phone directory to obtain all the information they need to request service)** [Column 8, lines 21-22, 25-29, 58-62].



***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9, 15-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culbertson (U.S Patent #5,799,263).

As per claim 9, Culbertson does not explicitly teach the method of claim 1, further including providing monthly statements and account information to repeat customers electronically.

However, Official Notice is taken that the concepts of electronic billing and payments are old and well known in the arts. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to include electronic billing and payments to customers because electronic billing and payment is very convenient for consumers and for businesses, as billing information only need be entered once, results in lower paper and postage costs for both parties, and may lead to increased customer retention since a customer may be more likely to conduct repeat business where their information has already been entered and stored.

As per claims 15 and 16, Culbertson does not explicitly teach the method of claim 1, further including providing to customers ancillary data comprising entertainment information, accommodation information and/or transportation information about destination sites.

However, Official Notice is taken that it is old and well known in the transportation arts to provide customers with additional information about their destination. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson with ancillary data about entertainment, accommodations and transportation about the customer's destination site, because the resulting combination would provide cross-promotional opportunities (such as referral fees) with businesses, hotels, attractions, airlines, etc. at the customer's destination, and would provide opportunities for advertising revenue from partner businesses (such as hotels, attractions, etc.) that the customer may be interested in.

As per claim 17, Culbertson does not explicitly teach the method of claim 1, further comprising enabling customers to communicate via computers that have drop down menus providing a choice of options to potential customers, including a type of car, trip rate calculations and cost information.

However, Official Notice is taken that it is old and well known in the travel/transportation art to provide users with computerized drop down menus enabling users to choose a type of transportation and view the potential costs. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to provide drop down menus with a choice of options, because the resulting combination would enable users to schedule customized transportation accommodations and view the financial consequences of their decisions.

As per claim 18, Culbertson does not explicitly teach the method of claim 1, further comprising providing to repeat customers a menu of a plurality of destination addresses for a customer to choose from.

However, Official Notice is taken that it is old and well known in the art to provide customers with a list of predefined destinations/routes from which to choose from. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to include a list of predefined destinations/routes from which a customer can choose from, because the resulting combination would facilitate the assignment of customers to vehicles already servicing a particular destination/route.

As per claim 20, Culbertson does not explicitly teach the method of claim 1, including playing to customers advertising messages.

However, Official Notice is taken that it is old and well known in the art for transportation providers to advertise to customers within the means of transportation (such as buses, taxis, trains, etc.). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to advertise to customers while utilizing transportation services, because the resulting combination would provide cross-promotional opportunities (such as referral fees) with businesses, hotels, attractions, airlines, etc. at the customer's destination, and would provide opportunities for advertising revenue from partner businesses (such as hotels, attractions, etc.) that the customer may be interested in.

10. Claims 3, 12-13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culbertson as applied to claim 1 above, and further in view of Ayed (U.S Patent #6,756,913).

As per claim 3, although not explicitly taught by Culbertson, Ayed teaches the method of claim 1, comprising enabling customers at the pickup sites to interact with a central, at least partially automated, dispatching system through interactive voice communication **(voice recognition/synthesizer system converts voice to text. It converts user's requests and instructions into a textual form that can b used by server 40 and can also provide the user with vocal information on the**

**identification and arrival time of the allocated taxi; the handset converts the GPS position to a vocal message using a voice synthesizer and sends the vocal message and the position information to the server. The server translates the position information using a voice recognition system)** [Column 4, lines 53-57, Column 5, lines 54-58].

Both Culbertson and Ayed are directed towards dispatching vehicles to service transit requests made by customers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to include interactive voice communication, because the resulting combination would be more versatile, in that users without immediate access to a suitable type of user input device would be able to interact with the dispatch system to modify scheduled services, and to receive updated estimates of the vehicle's arrival to the pickup point.

As per claim 12, although not explicitly taught by Culbertson, Ayed teaches the method of claim 1, further comprising customer communicating with a central dispatching system via voice communication with voice recognition and voice synthesis **(voice recognition/synthesizer system converts voice to text. It converts user's requests and instructions into a textual form that can be used by (remote) server 40 and can also provide the user with vocal information on the identification and arrival time of the allocated taxi; handset converts the GPS location to a vocal message using a voice synthesizer and sends the vocal message and the position**

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**information to the server. The server translates the position information using a voice recognition system)** [Column 4, lines 53-57, Column 5, lines 54-58].

Both Culbertson and Ayed are directed towards dispatching vehicles to service transit requests made by customers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to include voice recognition and voice synthesis, because the resulting combination would be more versatile, in that users without immediate access to a suitable type of user input device would be able to interact with the dispatch system to modify scheduled services, and to receive updated estimates of the vehicle's arrival to the pickup point.

As per claim 13, although not explicitly taught by Culbertson, Ayed teaches the method of claim 1, further comprising communication between customers and a central dispatching system via customer held personal digital assistants (**communication device is used to communicate with a wireless network; communication device may be a modem, a cellular phone, a personal communication device, a pager, or any other communication device capable of accessing a wireless network**) [Column 4, lines 10-14].

Both Culbertson and Ayed are directed towards dispatching vehicles to service transit requests made by customers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to

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enable communication using a personal digital assistant, because the resulting combination would be more versatile, in that users without immediate access to a stationary type of user input device (such as a computer or telephone) would be able to interact with the dispatch system using a portable, mobile device in order to modify scheduled services, and to receive updated estimates of the vehicle's arrival to the pickup point.

As per claim 19, Culbertson teaches the method of claim 1, including communicating with a central dispatching system that receives the telephone messages **(the transit request is preferably made by telephone, with the user initiating a call from their location to a dispatching computer system; a telephone communication system is associated with the dispatching computer system for receiving numerous incoming calls)** [Column 3, lines 40-45].

Culbertson does not explicitly teach the step of communicating with a central dispatching system via the Internet. However, Ayed teaches the step of using the Internet (wireless network 14) through which clients can communicate with dispatching system (remote server 40) [Column 3, lines 35-40].

Both Culbertson and Ayed are directed towards dispatching vehicles to service transit requests made by customers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to

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include communication via the Internet, because the resulting combination would be more versatile, in that the Internet makes the dispatch system accessible to a broader customer base, as the Internet is a global communications medium.

11. Claims 6-8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culbertson as applied to claim 5 above, and further in view of Gaspard (U.S Patent #6,240,362).

As per claim 6, although not explicitly taught by Culbertson, Gaspard teaches the method of claim 5, further including repeated calculations of distance of the vehicle to the location of the pickup and communicating that information to the pickup location **(the host updates the route schedule, changing the predicted arrival or departure time to reflect the actual arrival or departure time; the host posts the route schedule when it is generated and as it is updated so that the posted route schedule is accessible over the network from any remote terminal; the terms “posting” or “posted” are intended to include the host actively transmitting the schedule to the terminals, for example, by facsimile, email, page, voice message, etc.)** [Column 8, lines 8-41].

Both Culbertson and Gaspard are directed towards scheduling the dispatching of vehicles to transport passengers; therefore, it would have been obvious to one of



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ordinary skill in the art at the time of invention to modify the teachings of Culbertson to include the step of repeatedly calculating the distance of the vehicle from the pickup location because the resulting combination would provide customers with accurate, up-to-date information regarding the status of their scheduled transport.

As per claim 7, Culbertson teaches the method of claim 6, further including calculating time of arrival at pickup sites (**processor may calculated an estimated time of arrival at the request location and cause the request communication system to send an estimated time of arrival indicator back to the requesting passenger**) [Column 11, lines 54-57].

As per claim 8, although not explicitly taught by Culbertson, Gaspard teaches the method of claim 7, further including calculating time of arrival based on stored traffic patterns and time of day criteria (**host then predicts arrival and departure times for each destination along the newly scheduled route, using any suitable algorithm to predict arrival and departure times based on, for example, mileage, past travel times, speed limits, traffic reports, etc.**) [Column 7, lines 52-56].

Both Culbertson and Gaspard are directed towards scheduling the dispatching of vehicles to transport passengers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to consider traffic patterns and the time of day when calculating arrival time because the

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resulting combination would provide customers with accurate, up-to-date information regarding the status of their scheduled transport.

As per claim 14, although not explicitly taught by Culbertson, Gaspard teaches the method of claim 1, further comprising a central dispatching system communicating to customers pickup information and update information via electronic messages to customers' computers **(the host updates the route schedule, changing the predicted arrival or departure time to reflect the actual arrival or departure time; the host posts the route schedule when it is generated and as it is updated so that the posted route schedule is accessible over the network from any remote terminal; the terms "posting" or "posted" are intended to include the host actively transmitting the schedule to the terminals, for example, by facsimile, email, page, voice message, etc.)** [Column 8, lines 8-41].

Both Culbertson and Gaspard are directed towards scheduling the dispatching of vehicles to transport passengers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to include the step of sending pickup information and updates to customer's computers because the resulting combination would enable the automation of the process of providing customers with accurate, up-to-date information regarding the status of their scheduled transport.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gaspard (U.S Patents #6,385,537 and 6,411,897) teaches a method to schedule the transportation of freight and passengers in real time.

Patel (U.S Patent #5,953,706) teaches a transportation network system and method which integrates communications and data transmission requirements into a single, centrally controlled network.

Jones (U.S Patent #6,510,383) teaches a vehicular route optimization system that changes the order in which a vehicle is expected to arrive at a plurality of destinations based on requests from users.

Camer (U.S Patent #6,675,150) teaches a method for efficiently deploying vehicles to meet the mobility needs of a population in a densely populated urban area.

Smith et al. (U.S Patent #6,430,496) teaches a fully automated vehicle dispatching, monitoring and billing system.

Suarez et al. (U.S Patent #6,212,393) teaches a method for communication between a dispatch center and a plurality of wireless communication devices within a vehicle dispatch system.

Nathanson et al. (U.S Patent #5,122,959) teaches a transportation dispatch and delivery tracking system.

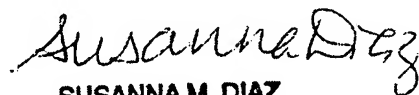
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Choi  
Examiner  
Art Unit 3623

April 28, 2006



**SUSANNA M. DIAZ**  
**PRIMARY EXAMINER**

